

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS

IN THE MATTER OF THE SEARCH OF

2014 Kia Soul,
VIN # KNDJN2A26E7079321;
License Plate # CHQ 828

No.: 1: 24-mj-20

AFFIDAVIT IN SUPPORT OF AN PROBABLE CAUSE WARRANT

I, Christopher Pastwik, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Department of Homeland Security (DHS), Homeland Security Investigations (HSI). As such, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7) in that I am an officer of the United States who is empowered by law to conduct investigations and to make arrests for federal felony offenses. As a HSI Special Agent, my duties include investigating alleged violations of federal laws enforced by Immigration and Customs Enforcement (ICE), which include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21, 31 and 46 of the United States Code. I have been employed as a Special Agent with HSI since August 2023. I am a graduate of the Criminal Investigator Training Program, and the Homeland Security Investigations Special Agent Training Academy. Before becoming a Special Agent, I was employed as a Supervisory Intelligence Operations Specialist from June 2022-August 2023, an Intelligence Operations Specialist from July 2019-June 2022, and, prior to that had graduated from the US Border Patrol Academy, serving as a US Border patrol Agent from June 2016-July 2019. In 2016 I graduated from the State University of New York College at Buffalo with a bachelor’s degree in criminal justice. Throughout my experience I have received training which includes, but is not limited to, training in narcotic, human smuggling, cyber and weapons trafficking, and I am authorized by law to request a search warrant.

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BASIS OF INFORMATION

1. This affidavit is intended to show merely that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The facts in this affidavit comes from my personal observations, my training and experience, and information obtained from other law enforcement officers.

2. The information in this affidavit was compiled from information obtained from public sources, public records, computer databases, reports, information obtained from other agents connected with this investigation, and other documentation. It does not contain all the information discovered during the course of this investigation.

PROPERTY TO BE SEIZED

3. I submit this affidavit for the limited purpose of obtaining a search warrant for the vehicle listed in Attachment A. To recover the firearm and/or any other evidence of the commission of the crime, see Attachment B.

SEIZURE AUTHORITY

4. As noted above, this investigation concerns alleged violations of the following:
- a. 18 USC § 922 (g)(1) Felon in Possession of a Firearm, which prohibits the possession or receipt of a firearm or ammunition by an individual who has been convicted of committing a felony.
 - b. 18 U.S.C. § 922(q)(2)(A) which states, it shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign

commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

- c. 18 U.S.C. 924(c)(1)(A)(iii) which prohibits the discharge of a firearm during and in relation to a crime of violence.

PROBABLE CAUSE

5. On Wednesday, July 4th, 2024, the 911 Emergency Call Center dispatched Officers from the Virgin Islands Police Department (VIPD) to the Candido Guadalupe housing community in reference to a shooting incident in which two female victims sustained gunshot wounds. Officers traveled to the scene and upon their arrival they discovered that a female minor, herein referred to as (VICTIM #1) and her mother, herein referred to as (VICTIM #2) had been shot during a physical altercation. Both victims were transported to the Juan F. Luis Hospital via ambulance for medical treatment.

6. Witnesses on scene identified the shooter/suspect as Miguel MARRERO, who resides in building 2 apartment 17. Witnesses stated that he was observed leaving the scene operating a grey, model year 2014 Kia Soul. VIPD Det. S. Joseph conducted an interview with both of MARRERO's sons and during the interview they revealed that after the shooting MARRERO left the area in a grey in color Kia Soul vehicle.

7. Records check from The Bureau of Motor Vehicles online database revealed MARRERO to be the registered owner of the 2014 Kia Soul, license plate number CHQ 828; VIN # KNDJN2A26E7079321. During an interview with VIPD Detective (Det.) S. Joseph, MARRERO revealed that after the shooting he immediately left the area in his grey Kia Soul, and on his way out he tossed the gun into the bushes near building one of the Candido Guadalupe Terrace housing community. VIPD K-9 handler along with other VIPD members searched the bushes near building one where MARRERO stated he threw the gun, which yielded in negative

results. Since no firearm was recovered at the scene of the shooting, or where MARRERO said he threw the firearm, and the last time the firearm was seen was with MARRERO when he left the scene of the shooting in his vehicle; so, it is to be believed that the firearm is in the grey in color 2014 Kia Soul, license plate number CHQ 828; VIN# KNDJN2A26E7079321. In a supplemental VIPD report it was stated that the vehicle, on July 5th, 2024 was sealed and moved to the VIPD impound lot for secure storage.

8. In an additional supplemental report, VIPD Officer Fieulleteau stated that, while on his way to the scene of the shooting he received information that the male individual that did the shooting is Miguel MARRERO, and that MARRERO left the scene in his gray Kia soul vehicle. Officer Fieulleteau who is familiar with MARRERO and knew that MARRERO grew up and used to reside in Estate Sion Farm St. Croix, which is also where MARRERO's mother lives. Officer Fieulleteau then did a driver's license checked on MARRERO and found that MARRERO has a Sion Farm address listed on his driver's license as his residential address (306 Sion Farm, St. Croix). Officer Fieulleteau was on his way to the 306 Sion Farm address when he noticed a maroon in color Toyota Rav4 approaching. Officer Fieulleteau immediately recognized the operator of the maroon in color Toyota Rav4 to be MARRERO'S mother. As the maroon in color Toyota Rav4 passed by Officer Fieulleteau he observed a male individual sitting in the front passenger seat fitting the description of MARRERO. Officer Fieulleteau activated his emergency blue strobe lights to make a U turn to stop the maroon in color Toyota Rav4. The maroon in color Toyota Rav4 came to a stop and Officer Fieulleteau got out of his police vehicle, and soon after he realized the front passenger side door of the maroon in color Toyota Rav4 opened and MARRERO came out and said "I know you was coming for me, I told my mother to stop the car, I was going to the police station to turn myself in". Officer Fieulleteau conducted a pat down of

MARRERO for weapons with negative results. MARRERO was placed in handcuffs and secured in the back seat of Officer Fieulleateau's police vehicle and transported to the Police Administration Building. VIPD Officer R. Benjamin stated that on July 5th, 2024, he traveled to 306 Sion Farm and received verbal consent from MARRERO's mother, to allow his gun-sniffing K9 to make a check of the storage room, which concluded with negative findings.

9. On July 23rd, 2024, at approximately 11:30am (EST) Homeland Security Investigations (HSI) Special Agents (SA) and a Virgin Islands Police Department (VIPD) Detective arrived at the residence, 306 Sion Farm, Christiansted, VI. SA's were shown the back bedroom that MARRERO's mother stated she saw him pacing in following the shooting and were provided with verbal consent to search the room. The room was searched, however no weapons, or any items of interest were located.

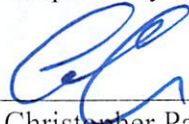
10. MARRERO was asked if he possessed a firearm licenses/permits in the United States Virgin Islands or its territories, and he replied by saying "no." Contact was subsequently made with Sgt. L. Ortiz of the Firearms Bureau of VIPD, to ascertain whether MARRERO possessed any firearm licenses/permits in the United States or its territories. Sgt. L. Ortiz confirmed that MARRERO did not possess a license/permit to carry any firearms in the United States or its territories. Additionally, records checks were conducted and show that MARRERO is a prior convicted felon and is not allowed to own or possess firearms. (Agents Note: No guns or gun parts are manufactured in the United States Virgin Islands). The Candido Guadalupe Terrace housing community is located across the street from the Alfredo Andrews Elementary school and this incident occurred less than 1000ft (approximately 858ft) from that school.

CONCLUSION

11. Based on this Affidavit, I respectfully request that the Court issue the proposed search warrant for the 2014 Kia Soul, license plate number CHQ 828; VIN # KNDJN2A26E7079321.

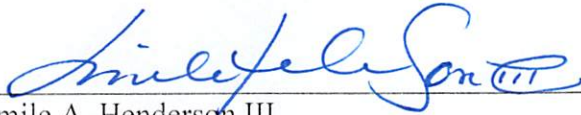
12. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,



Christopher Pastwik
Special Agent
Homeland Security Investigations

Subscribed to and sworn before me this 7th day of August 2024.



Emile A. Henderson III
United States Magistrate Judge